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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,) No. CR-07-0473-PJH
15 Plaintiff,)
16 Vs.) NOTICE, STIPULATION AND
17 DONALD CLYBURN,) [PROPOSED] ORDER REGARDING
18 Defendant.) HEARING FOR CHANGE OF PLEA
19) Honorable Phyllis J. Hamilton
20) No Hearing Required
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25)

26 Defendant, Donald Clyburn, by and through his attorney, Steven F. Gruel, and the United
1 States of America, by and through its attorney, Owen Martikan, Assistant United States
2 Attorney, hereby file this Notice, Stipulation and [Proposed] Order Regarding Hearing For
3 Change of Plea.

4 NOTICE, STIPULATION AND [PROPOSED] ORDER REGARDING
5 HEARING FOR CHANGE OF PLEA

1 This case is set for change of plea on January 30, 2008. However, recently the government
2 informed the defense counsel that the policy of the United States Attorney's Office is, in
3 accordance with Title 18, United States Code Section 3143, to move for the immediate remand
4 of the defendant upon the entering of his guilty plea for this offense.

5 Notwithstanding the above statute and office policy, the application of the statute's language
6 for immediate remand may not be required in this case. Consequently, before the plea agreement
7 may be finalized, more time to investigate the statute and for effective preparation is necessary.

8 Consequently, with the Court's permission, the parties respectfully request that the January
9 30, 2008 change of plea to the indictment date be rescheduled to February 27, 2008 at 2:30 p.m..

10 As described above, the parties agree that there is excludable time from January 30, 2008 to
11 February 27, 2008 to allow for effective preparation of counsel under the Speedy Trial Act.

12 SO STIPULATED:

13 DATED: 1/28/08

14 _____/s/
15 STEVEN F. GRUEL
16 Attorney for Donald Clyburn

17 DATED: 1/28/08

18 _____/s/
19 OWEN MARTIKAN
20 Assistant United States Attorney

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24 NOTICE, STIPULATION AND [PROPOSED] ORDER REGARDING
25 HEARING FOR CHANGE OF PLEA

1
2 [PROPOSED] ORDER
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4 PREDICATED on the above stipulation and GOOD CAUSE APPEARING,
5 the January 30, 2008 date for the change of plea is vacated. This matter is rescheduled to
6 February 27, 2008 for a change of plea hearing. Time from January 30, 2008 to February 27,
7 2008 is excludable under the Speedy Trial Act for effective preparation of counsel as described
8 above.

9 IT IS SO ORDERED.
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11 Dated:

12 HONORABLE PHYLLIS J. HAMILTON
13 United States District Court
14 Northern District of California
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25 NOTICE, STIPULATION AND [PROPOSED] ORDER REGARDING
26 HEARING FOR CHANGE OF PLEA